



**Linda S. Adams**  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board**  
**North Coast Region**  
**John W. Corbett, Chairman**

[www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)  
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403  
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



**Arnold**  
**Schwarzenegger**  
Governor

June 4, 2007

In the Matter of

**Water Quality Certification**

for the

**NORTH COAST RAILROAD AUTHORITY – SHORELINE PROTECTION REPAIR AT  
FIELDS LANDING/KING SALMON  
WDID NO. 1B07037WNHU**

APPLICANT:	North Coast Railroad Authority
RECEIVING WATER:	Humboldt Bay
HYDROLOGIC UNIT:	Eureka Plain Hydrologic Unit 110.00
COUNTY:	Humboldt
FILE NAME:	North Coast Railroad Authority – Fields Landing/King Salmon Shoreline Protection Repair

BY THE EXECUTIVE OFFICER:

1. On April 4, 2007, the North Coast Railroad Authority (NCRA) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with repairing the existing riprap shoreline protection (revetment) along the east side of Humboldt Bay near King Salmon, Humboldt County. The purpose of the project is to prevent continued erosion of the railroad embankment into Humboldt Bay and adjacent pasture land. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 10, 2007, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The wave and storm damaged revetment structure is located directly across from the entrance channel of Humboldt Bay. Waves passing through the entrance channel can travel across the bay and reach the shoreline along the existing revetment. Portions of the existing revetment were previously constructed and repaired using recycled pieces of concrete from demolition projects, rail car bodies, miscellaneous metal objects, and some large rock. Tangled rebar protruding from the concrete fragments and the large rocks in the revetment created large voids in the revetment that allow waves to carry seawater through the revetment and onto

the Northwestern Pacific Railroad's tracks. The sand and gravel fill supporting the railroad tracks has eroded in many areas and the eroded fill material has been washed into adjacent fields that are currently used as pasture. The erosion and displacement of revetment materials has also reduced the height of the revetment and allowed over-topping by large waves.

3. The project includes activities along 3,100 feet of the revetment and railroad tracks that begins at approximately the PG&E power plant and extends north toward Eureka. The southernmost 500 feet of the revetment is in the worst condition, and needs to be removed and rebuilt. Approximately 750 cubic yards of existing concrete, rebar, railcar parts, and other metal objects will be removed and hauled to an off-site disposal facility. This 500 foot section of revetment will be reconstructed using suitable onsite rock material and imported quarry rock. Reconstruction of the revetment will involve placing two layers of rock riprap with the toe of the revetment keyed into a shoreline trench excavated below the mean high tide elevation. The inner rock layer will consist of smaller rock (1/2-ton) and the outer armoring layer will consist of larger rock (2-ton). Rocks will be strategically placed to maximize stability and prevent movement.
4. The northern 2,600 feet of the existing revetment has several problem areas that are in need of repair. Low areas on the top of the revetment and voids that extend through the revetment allow seawater to pass through the revetment, causing the rail bed to erode. Repairs to this section of the revetment include filling low spots and voids in the revetment with appropriately sized rock to tighten up the existing structure. After filling the low spots and voids, a low-slump quick-setting concrete will be pumped into the remaining gaps where necessary. All the new rock in this section shall be placed above the mean high tide elevation.
5. The revetment area will be accessed via a road that will be graded immediately adjacent to the existing railroad tracks and within the applicant's right-of-way. An access restriction fence will be placed on the east side of the railroad fill structure to isolate the work area from the adjacent pasture.
6. The applicant has applied to the United States Army Corps of Engineers for authorization to perform the project under a Nationwide Permit, pursuant to Clean Water Act, section 404.
7. Compensatory mitigation is not required. Noncompensatory mitigation for the project includes timing construction activities with low tides and the use of Best Management Practices for heavy equipment and concrete use near a waterway. Construction activities are scheduled to occur between June 1 and October 15, 2007.
8. The Regional Water Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a Categorical Exemption, Section 15301 – Existing Facilities, pursuant to CEQA.

Receiving Water: Humboldt Bay in the Eureka Plain Hydrologic Unit 110.00.

Filled or Excavated Area: Area Temporarily Impacted: none  
Area Permanently Impacted: 0.10 acre of shoreline within  
the original footprint of the existing revetment structure

Total Linear Impacts:      Length Temporarily Impacted: none  
   Length Permanently Impacted: 500 feet of shoreline within  
   the original footprint of the existing revetment structure

Dredge Volume:              none

Latitude/Longitude:        40.75269 N/124.20116 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the North Coast Railroad Authority shoreline protection repair project (WDID No. 1B07037WNHU), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the North Coast Railroad Authority complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the applicant.
4. The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
6. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.

7. A copy of this Order shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
8. The project shall not result in any increase to the original footprint area or length of the damaged revetment.
9. All concrete wastes and any water that contacts fresh concrete must be fully contained and disposed of properly in order to prevent any discharge to surface water or ground water.
10. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
11. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
12. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
13. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
14. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any

technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

17. In the event of any change in control of ownership of land presently owned or controlled by North Coast Railroad Authority, North Coast Railroad Authority shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

18. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

19. The authorization of this certification for any dredge and fill activities expires on October 15, 2011. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

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Catherine E. Kuhlman  
Executive Officer

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Original to: Mr. David Anderson, American Rail Consultants, 440 Davis Court, #2202,  
San Francisco, CA 94111

Copies to: U.S. Army Corps of Engineers, District Engineer, P.O. Box 4863, Eureka,  
CA 95502

Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,  
1455 Market Street, San Francisco, CA 94103-1398  
Mr. Mitch Stogner, North Coast Railroad Authority, 419 Talmage Road,  
Suite M, Ukiah, CA 95482